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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,589	09/26/2003	J. Dennis Page	P0440/291762	8658
23370	7590	10/14/2005		
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			EXAMINER PATEL, DHARTI HARIDAS	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,589	PAGE, J. DENNIS	
	Examiner	Art Unit	
	Dharti H. Patel	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/26/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/26/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/23/04, 12/20/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).
Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).
2. Claims 1-16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,674,625. Although the conflicting claims are not identical, they are not patentably distinct from each other because the set of claims in the Page reference only differs from the set of claims in this application by being recited as a lightning protection system, which differs from the "response system" used to describe the claims in this application. It would have been obvious to those skilled in the art at the time the invention was made that the components of the lightning protection system may be implemented in any response system.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-16 are rejected under 35 U.S.C. 102(b) as being unpatentable over Sweatt, Patent No. 6,633,240. Sweatt teaches an emergency warning system 10 including a sensor for detecting an environmental condition. With respect to claim 1, Sweatt teaches a regional transmitter 12 for transmitting a control signal 14; a plurality of receivers 24 and 28 adapted to receive the control signal; and at least one automatic response device 34, each device associated with one of the receivers and adapted to perform a function as disclosed in Col. 2, lines 44-56, Col. 3, lines 7-11, and Fig. 1.

With respect to claim 3, Sweatt teaches that the control signal is a radio frequency signal as disclosed in Col. 2, lines 47-49.

With respect to claim 4, Sweatt teaches a monitoring device 16 and 18 for detecting at least one condition as disclosed in Col. 2, lines 35-42; a plurality of regional transmitters 12, 20 and 28 adapted to transmit control signals 14 and 22 to a geographic area; a plurality of receivers 24 and 28 within the geographic area adapted to receive the control signals 14 and 22; and at least one automatic response device 34, each automatic response device associated with one of the

receivers, the automatic response device adapted to perform a function as disclosed in Col. 2, lines 35-42, and Col. 3, lines 7-11 and Fig. 1.

With respect to claims 5 and 14, Sweatt teaches that at least two of the plurality of regional transmitters 12, 20 and 28 transmit control signals 14, 22, and 86 to different portions of the geographic area as disclosed in Col. 2, lines 45-52, Col. 4, lines 40-44, and Fig. 1.

With respect to claims 6 and 15, Sweatt teaches that at least two of the plurality of regional transmitters 12 and 28 transmit control signals to the different portions of the geographic area using the same signal 14 as disclosed in Col. 4, lines 9-11.

With respect to claim 7, Sweatt teaches that the monitoring device 16 is adapted to detect at least one environmental condition as disclosed in Col. 2, lines 35-42.

With respect to claims 8 and 13, Sweatt teaches a monitoring device 16 and 18 that is adapted to receive notifications from a weather monitoring and notification service as disclosed in Col. 2, lines 65-67 and Col. 3, lines 1-6.

With respect to claim 9, Sweatt teaches a monitoring device 16 and 18 that monitors the at least one condition by monitoring precursor conditions as disclosed in Col. 2, lines 35-42.

With respect to claim 10, Sweatt teaches an emergency warning system 10 to provide notification service to at least one location having an automatic response device, the system comprising monitoring at least one condition as

disclosed in Col. 2, lines 35-42; and upon detecting the condition, transmitting at least one control signal 14 to the automatic response device 34 that responds to the presence of the control signal by performing a function as disclosed in Col. 3, lines 7-11.

With respect to claim 11, Sweatt teaches that monitoring the at least one condition comprises monitoring at least one environmental condition as disclosed in Col. 2, lines 35-42.

With respect to claim 12, Sweatt teaches a monitoring device 16 and 18 that monitors the at least one environmental condition comprises monitoring precursor conditions to the at least one environmental condition as disclosed in Col. 2, lines 40-42, Col. 2, lines 65-67, and Col. 3, lines 1-2.

With respect to claim 16, Sweatt teaches a monitoring device 16 and 18, wherein monitoring the at least one condition comprises monitoring the absence of an environmental condition as disclosed in Col. 2, lines 36-41.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sweatt, Patent No. 6,633,240, in view of Honeyman, Patent No. 6,172,431.

Sweatt does not teach that the control signal is an infrared signal. Honeyman

teaches an improved vehicle entry transmitter that can be used as a transmitter to lock and unlock vehicle doors. Honeyman teaches that it is known to provide transmitters that use infrared signals to transmit the control signal as disclosed in Col. 1, lines 25-28.

It would have been obvious to one of ordinary skilled in the art at the time the invention was made that the control signal of Sweatt may be an infrared signal as taught by Honeyman as infrared signals are more reliable as such signals would not be as subject to interference under severe weather conditions.

5. Alternatively, claims 5-6 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweatt, Patent No. 6,633,240, in view of Guillory, Publication No. 0075155A1. Guillory teaches a system for sending an effective warning signal to receivers in a predetermined area. With respect to claims 5 and 14, Guillory teaches that at least two of the plurality of regional transmitters 101 and 102 transmit control signals to different portions of the geographic area as disclosed in Col. 4, lines 29-35 and Fig. 1. With respect to claims 6 and 15, Guillory teaches that transmitting control signals comprises transmitting a common control signal to the different portions of the geographic area as disclosed in Col. 2, lines 46-56.


It would have been obvious to one of ordinary skilled in the art at the time the invention was made to provide a warning system, which is more comprehensive and is capable of alerting receivers over a wide range area.

6. **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dharti H. Patel whose telephone number is 571-272-8659. The examiner can normally be reached on 8:30am - 5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2800, Ext. 36. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DHP


Phuong T. Vu
Patent Examiner